IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.5276 OF 2004

Babu Ladkya Valvi & Ors. ...Applicants.

V/s

State of Maharashtra ...Respondents.

Mr. P.M. Pradhan for the applicants.

Mr. D.P. Adsule, APP for the State.

CORAM: V. M. KANADE, J.
DATE: 27th January, 2005

P.C.:

1. Heard the learned Counsel appearing on behalf of the applicants and the learned APP appearing on behalf of the State.

2. Offence under sections 302, 323 read with section 34 of the Indian Penal Code is registered against the applicants vide C.R. No.T66/2004 by Dahanu Police Station. Prosecution case is that the applicants came to the house of the complainant and the applicant No.1 - Babu Valvi assaulted the husband of the complainant with stick on his head. The other applicants assaulted on her thigh with stick and gave stick blows and fist blows. The investigation has been completed. Charge sheet has been filed. In the complaint, it is stated by the complainant that applicant No.1 Babu

Valvi assaulted her husband with a stick and gave a blow on his head. Thereafter, he succumbed to the said injury.

3. In my view, applicant No.1 is not entitled to be released on bail in view of the statement of the complainant.

4. However, so far as applicant Nos. 2 and 3 are concerned, there is nothing to suggest that there was either a common intention or common object in assaulting the deceased. They are, therefore, entitled to be released on bail. Application for bail filed by applicant No.1 is rejected. Applicant Nos. 2 and 3 be released on bail in the sum of Rs 5000/- each with one or two sureties in the like amount. They shall report to the Dahanu Police Station once in a month.

V.M. KANADE, J.